

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MCKESSON CORPORATION, a Delaware
Corporation,

Plaintiff,

vs.

ROBERT MOSER, INC.,

Defendant.

8:22CV322

**ORDER DENYING MOTION FOR
DEFAULT JUDGMENT WITHOUT
PREJUDICE**

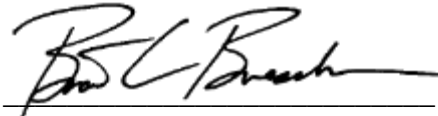
This case is before the Court on plaintiff McKesson Corporation's November 1, 2022, Motion for Default Judgment. [Filing 9](#). In its Motion, McKesson acknowledges that the Clerk of Court has not yet made a default entry against defendant Moser pursuant to Rule 55(a) of the Federal Rule of Civil Procedure. [Filing 9 at 1](#). Nevertheless, McKesson asserts that sufficient time has elapsed without defendant Moser having made an Appearance, Answer, or other responsive pleading to the Complaint, so that default judgment may be entered pursuant to Rule 55(b)(2). [Filing 9 at 1](#). NECivR [55.1](#)(a) makes clear that "[t]o obtain a clerk's entry of default under Federal Rule of Civil Procedure 55(a), a party must: (1) file a motion for the clerk's entry of default; and (2) e-mail a proposed clerk's entry of default to the clerk" NECivR [55.1](#)(c) states what a party must do to obtain a default judgment from the Court under Federal Rule of Civil Procedure 55(b)(2) "after obtaining a clerk's entry of default under Federal Rule of Civil Procedure 55(a) and Nebraska Civil Rule 55.1(a)." The Clerk of Court has not yet entered defendant Moser's default

on the record, and the record does not indicate that McKesson has filed the required motion to obtain the Clerk's entry of such default. Accordingly,

IT IS ORDERED that plaintiff McKesson Corporation's November 1, 2022, Motion for Default Judgment, [Filing 9](#), is denied without prejudice to refiling after full compliance with NECivR [55.1](#).

Dated this 2nd day of November, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge